

**MINUTES**

**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD  
February 15, 2008**

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on February 15, 2008, beginning at 8:40 a.m., at The Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President  
Mr. Butch Hodgkins, Vice President  
Ms. Lady Bug Doherty, Secretary  
Ms. Teri Rie  
Mr. John Brown  
AssemblyMember Lois Wolk, represented by Ms. Susan Treabass

The following members of the Board staff were present:

Ms. Virginia Cahill, Legal Counsel  
Ms. Deborah Smith, Legal Counsel  
Mr. Jay Punia, Executive Officer  
Mr. Gary Hester, Chief Engineer  
Mr. Geoff Shumway, Staff Assistant  
Ms. Lorraine Pendlebury, Staff Assistant

Also Present:

Mr. Robert Charney, Department of Water Resources (DWR)  
Mr. Will Chow, West Sacramento Area Flood Control Agency  
Mr. Joe Countryman, MBK Engineers  
Mr. Thomas Foley, Concerned Citizens for Responsible Growth  
Mr. Pete Ghelfi, Sacramento Area Flood Control Agency  
Mr. Mike Inamine, DWR  
Mr. Roger Lee, DWR  
Mr. Richard Marshall, California Central Valley Flood Control Association  
Mr. Ken Ruzich, RD 900, West Sacramento Area Flood Control Association  
Mr. Kasey Schimke, DWR  
Mr. Scott Shapiro, Three Rivers Levee Improvement Association (TRLIA), California Central Valley Flood Control Association

**1. ROLL CALL**

*Executive Officer Punia called the roll. President Carter welcomed new staff members Chief Engineer Gary Hester and Staff Assistant Geoff Shumway.*

**2. APPROVAL OF MINUTES - October 18-19, 2007, December 7, 2007, and December 20-21, 2007**

*Upon motion by Member Brown, seconded by Member Rie, the Board unanimously approved the October 18-19, 2007 Minutes.*

*The following changes were proposed for the December 7, 2007 Minutes:*

*Page 2, 3<sup>rd</sup> paragraph from the bottom, second sentence from the bottom, currently reads "... the DWR ..." and should read "... the Secretary of Resources ...";*

*Page 3, 2<sup>nd</sup> paragraph from the bottom, should read "President Carter summarized the executive committee's near term approach of trying to establish an organization within DWR where this Board has direct control over the functions that are critical to policy making and technical analysis yet still retain DWR administrative support.";*

*The document header reads "Reclamation Board Regular Meeting, December 7, 2007" and should read "Reclamation Board Special Meeting, December 7 2007".*

*Upon motion by Member Brown, seconded by Vice President Hodgkins, the Board unanimously incorporated the changes mentioned above and approved the December 7, 2007 Minutes.*

*The following changes were proposed for the December 20, 2007 Minutes:*

*The first paragraph under Item 12 was deleted and Dr. Harder's name was added to the paragraph under Item 5.*

*Upon motion by Member Brown, seconded by Vice President Hodgkins, the Board unanimously incorporated the change mentioned above and approved the December 20, 2007 Minutes.*

*The Minutes of December 21, 2007 were tabled to the next Board Meeting.*

**3. APPROVAL OF AGENDA**

*Upon motion by Secretary Doherty, seconded by Member Brown, the Board unanimously approved the Agenda as published.*

#### 4. PUBLIC COMMENT

*Mr. Richard Marshall, California Central Valley Flood Control Association Executive Director, welcomed the new Board complement on behalf of his Board. He also invited the Board Members to their spring forum on March 12<sup>th</sup>. The topic is "The Perfect Flood Control System."*

#### 5. Transition to the Central Valley Flood Protection Board (CVFPB) and New Rules Based on the Recently Passed Flood Laws

*Legal Counsel Debbie Smith presented a flowchart of timelines for the rulemaking process utilized by the Office of Administrative Law.*

*Upon motion by Member Brown, seconded by Vice President Hodgkins, the Board unanimously adopted the six 2008 rulemaking calendars.*

*Executive Officer Punia presented an overview of the reassessment evaluation of Board roles and responsibilities, existing CVFPB responsibilities and the responsibilities acquired based upon the new regulations. President Carter noted that the assessment is going along fairly well and is targeted for completion by the end of February.*

*President Carter also stated that the Board will probably want to schedule a special meeting in late February/early March 2008 to discuss the assessment as well as a discussion among the Board and the public in terms of the Board's vision, goals and objectives.*

#### 6. REPORT OF THE ACTIVITIES OF DEPARTMENT OF WATER RESOURCES (DWR)

*Mr. Mike Inamine reported on the following items:*

- *2008 continues the El Nina year. Current precipitation is about 110 percent of average; runoff is 55 percent of average; reservoir storage about 85 percent of average.*
- *Levee Repairs and Flood Plain Management Office - a total of 108 of the 110 critical sites identified in the 2005-06 lists have been repaired to date, and maintenance and biological monitoring is continuing on all sites. The two remaining sites, on Cache Creek, are expected to be completed next fall.*

*17 sites have been identified this year by the U.S. Army Corps of Engineers (the Corps) under the Sac Bank program. In addition, 161 sites were identified by the Corps as damaged from the 2006 event; those sites are divided and prioritized in terms of urgency and consequences. The Corps anticipates it will get to approximately 50 of those sites in the upcoming construction season.*

- *Levee evaluations:*

*Urban levees - drilling is ongoing in West Sacramento and RD17; the geotechnical evaluation reports for RD17 are completed and will be transmitted to the locals next week.*

*Rural levees - two firms have been tentatively awarded contracts to evaluate all of the project levees that comprise the rural areas. Contract execution is expected in April 2008 and a stakeholder outreach to the rural communities will begin in May 2008.*

- *A new maintenance organization is going to be taking over the Knights Landing maintenance issues as a result of negotiations with DWR, Ridge Cut Irrigation District, and the local owner. A formal presentation will be made at the next Board meeting.*
- *The Floodplain Management Branch has been tasked with doing flood plain mapping of the Central Valley floodplain areas. The program will take place over the next five years.*
- *Early Implementation Projects (EIP) - final templates for funding and operations and maintenance was sent to the four applicants; DWR is expected to fund all \$250 million of EIP's to the four applicants.*
- *Four critical repair sites have been identified for the San Joaquin River system and they anticipate construction will take off in late summer or early fall of this year.*

*Mr. Kasey Schimke, DWR Legislative Director, gave a brief presentation on current year legislation, focusing on AB5, SB17 and AB162.*

*President Carter responded that DWR was represented but not the Board. He urges that the Board be recognized. Susan Treabass, representing Lois Wolk, suggested that the Board send someone to represent them in the discussions.*

## **7. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (TRLIA) MONTHLY REPORT**

*Mr. Scott Shapiro reported on TRLIA's activities:*

- *TRLIA is consulting with the Corps in determining whether a federal EIS study is needed in addition to the already completed EA. The issue is unresolved as of now; TRLIA schedules will continue to show their ability to complete the setback this year as their primary goal. They will come back before the Board and provide updates on these discussions as needed.*
- *The draft permit for the setback will hopefully get issued in the next 7-10 days.*

- *Regarding funding agreements - final agreements from the state should be ready to sign sometime later this month and funds should be released by the end of March.*
- *Four building permits were issued in the month of January.*
- *Regarding the encroachment permit - TRLIA and Board staff will meet later this week and work out details; a permit is expected to be issued the following week.*
- *Per a request from President Carter, TRLIA will provide to the Board a one-page letter summarizing the status of the utility crossings.*

*Mr. Thomas Foley, CCRG, commented that the state, and more specifically the Board, is mishandling the TRLIA situation and leaving the state project levees at risk much longer than he believes is necessary.*

## **8. CONSENT CALENDAR**

- A. Sutter County Project**
- B. Permit No. 18059, Reclamation District No. 2103, Lathrop**
- C. Delta Subventions Program**
- D. Caltrans Emergency Repair Work on Highway 165 Bridge, San Joaquin River**

*Upon motion by Member Brown, seconded by Secretary Doherty, the Board unanimously adopted the four items (A-D above) on the Consent Calendar.*

## **9. INFORMATIONAL BRIEFING**

- A. Folsom Joint Federal Damage Reduction and Dam Safety Improvement Project Information Update**

*Mr. Robert Charney, DWR, provided an informational briefing to update the new Board members. He also presented a short video on the physical models to be used for the Project.*

- B. West Sacramento Area Flood Control Agency's proposed plan for improvements to the levees that protect the City of West Sacramento**

*Mr. Ken Ruzich, manager of RD 900, and Mr. Will Chow, the flood protection manager, offered an informational briefing on the proposed plan and answered Board Member questions.*

*There was concern on what title to use in documents regarding this area. Ms. Cahill suggested that the West Sacramento Flood Control Agency be the title. Vice President*

*Hodgkins made the motion that all titles be the same, and Member John Brown made the motion to second. It passed unanimously.*

**10. PROJECT OR STUDY AGREEMENTS**

**A. West Sacramento Project Resolution**

*Mr. Roger Lee, DWR, gave a presentation on the West Sacramento Project that DWR has with the Corps.*

*Legal Counsel Cahill suggested the following language be included on the second page after Whereas: "In a letter dated January 28, 2008, the West Sacramento Area Flood Control Agency (sometimes formerly known as the West Sacramento Joint Powers Authority) agreed with the changes."*

*Upon motion by Vice President Hodgkins, seconded by Member Brown, the resolution - with the revised language mentioned in the previous paragraph - was unanimously approved by the Board and will be signed after the second page has been revised.*

**11. HEARINGS AND DECISIONS - NONE**

**BOARD REPORTS**

**12. BOARD COMMENTS AND TASK LEADER REPORTS**

*Vice President Hodgkins suggested the possibility of another 408 task report.*

*Secretary Doherty commented that she had met with Doris Matsui's staff and they had a walk-through of the Sutter Bypass; an additional meeting, with Representative Herger and staff, and another walk-through will occur next week.*

*Acting Member Treabass noted that clean-up legislation from SB585, SB17, AB162 and AB156 will be circulated for signatures in the Legislature in the very near future.*

*President Carter suggested that Executive Officer Punia and Legal Counsel Cahill meet and provide background to Board Member Burroughs on ex parte rules, specifically as related to the interagency collaborative forum.*

**13. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER**

*Executive Officer Punia reported on the following:*

*As mentioned earlier, the reassessment process is moving forward. Additional meetings will be scheduled before the process can be completed.*

*Board staff met with DWR regarding the Lower San Joaquin River Feasibility Study. Information was received regarding whom, on the local level, might be interested in participating. The next step is a meeting with interested locals to develop the scope of the study.*

*The Board received a letter from concerned citizens close to the Clarksburg area, expressing concerns about a sugar mill that a property owner is excavating. It may have a potential threat to the structural integrity of the adjacent levee. Staff has been sent to inspect the site and a geotechnical engineer will be hired to perform an evaluation and show the report to the Board.*

*Several meetings occurred with DWR regarding Board Member salary structures.*

*A flowchart detailing the permitting process is being developed. The flowchart, which will also include the timeframes involved for permitting, will be made available to the public on the website.*

*Board staff attended the California League of Cities and Counties meeting and answered questions about the formation of the CVFPB.*

*As mentioned earlier, Board staff will meet with TRLIA regarding concerns about the Segment 2 setback draft permit.*

*Madera County requested that the Board ask the Corps - on the County's behalf - for a year's extension on correcting their levee deficiencies as addressed by the Corps. Madera has explained how they will acquire the funding necessary and the Board has made the request on their behalf (although the ultimate decision rests with the Corps).*

*The budget change proposal for fiscal year 2008-09 has been submitted to the Department of Finance.*

*The River Island settlement permit was issued as per the conditions of the settlement agreement.*

#### **14. FUTURE AGENDA**

*Executive Officer Punia stated that a section 104 letter request may be added to the West Sacramento Flood Control Agency's request for consideration of a 408 letter.*

*Under Hearings and Decisions, a permit for the levee setback in Sutter County, in Levee District No. 1, will be considered.*

*A short informational briefing on the Levee Safety Summit may be added.*

#### **15. CLOSED SESSION**

**To consider the annual performance of the Executive Officer pursuant to  
Government Code Section 11126(a)(1)**

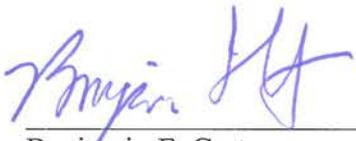
**16. ADJOURN**

*President Carter adjourned the meeting at 4:00 p.m.*

Dated: APRIL 18, 2008

  
\_\_\_\_\_  
Maureen Doherty  
Secretary

The foregoing minutes were approved:

  
\_\_\_\_\_  
Benjamin F. Carter  
President